

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

| | | |
|---|---|--------------|
| LEV AVERBAKH |) | |
| |) | |
| Plaintiff, |) | |
| |) | No. 08 C 144 |
| v. |) | |
| |) | |
| MICHAEL CHERTOFF, Secretary, |) | Judge Norgle |
| Department of Homeland Security, et al. |) | |
| |) | |
| Defendants. |) | |

STIPULATION OF DISMISSAL
WITHOUT PREJUDICE FOR LEAVE TO REINSTATE WITHIN SIXTY DAYS

Plaintiff Lev Averbakh, by his attorney David M. Cook, and the defendants, by Patrick J. Fitzgerald, United States Attorney for the Northern District of Illinois, hereby stipulate to the dismissal of this case without prejudice for leave to reinstate within sixty (60) days pursuant to Federal Rule of Civil Procedure 41(a)(1)(ii). Each party will bear its own costs and fees.

/s/ David Cook

For plaintiff Lev Averbakh

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For the Defendants

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